

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Lamont Cutner,

Plaintiff,

v.

Sgt. Myers,

Defendant.

Case No. 6:23-5282-RMG

ORDER

This matter is before the Court on the Report and Recommendation (“R & R”) of the Magistrate Judge, recommending the Court deny Plaintiff’s motion for a preliminary injunction. (Dkt. No. 97). Plaintiff has filed a response in opposition to the R & R and Defendant has filed a reply. (Dkt. Nos. 112, 115).

I. Standard

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the Report for clear error. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee's note).

II. Discussion

Plaintiff, acting pro se, seeks an injunction requiring Warden Wallace, a non-party to this litigation, to install a camera in the RHU and for Defendant Myers and certain non-parties to be polygraphed. The Magistrate Judge ably summarized the factual and legal issues regarding this motion and correctly concluded that Plaintiff cannot satisfy the requirements for a preliminary injunction set forth in *Winter v. Natural Resources Council, Inc.*, 555 U.S. 7, 20 (2008). Plaintiff's response to the R & R merely rehashes the motion for preliminary injunction. The Court adopts the R & R of the Magistrate Judge (Dkt. No. 97) as the order of the Court and denies Plaintiff's motion for a preliminary injunction.

III. Conclusion

For the reasons set forth above, the Court **ADOPTS** the R & R as the Order of the Court (Dkt. No. 97 and denies Plaintiff's motion for a preliminary injunction. (Dkt. No. 85).

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Judge

January 6, 2025
Charleston, South Carolina